

This is a statutory remedy for equity Interest recovery due the principles and sureties of the United States for discharge of lawful debts in commerce In conjunction with US obligations to that portion of the public debt it is intended to reduce.

During the financial crisis of the depression in 1933, gold, silver and real money were removed as a foundation for our financial system. In its place the substance of the American citizenry: their real property, wealth, assets and productivity that belongs to them was, in effect, 'pledged' by the government and placed at risk as the collateral for US debt, credit and currency for commerce to function.

EMINENT DOMAIN

“So great moreover, is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men to do this without consent of the owner of the land. Besides, the public good is in nothing more essentially interested, than in the protection of every individual's private rights...”

Blackstone Commentaries, 2:138-9

NOTES/COMMENTS

FEDERAL JURISDICTION

United States v. Bevens 16 US (3Wheat.) 366 (1818)

Court established a principle that federal jurisdiction extends only over the areas wherein it possesses the power of exclusive legislation, and this is a principle incorporated into all subsequent decisions regarding the extent of federal jurisdiction. To hold otherwise would destroy the purpose, intent and meaning of the entire U.S. Constitution.

The Supreme Court confirmed the purpose for acquiring land within the States was limited to defense:

"Special provision is made in the Constitution for the cession of jurisdiction from the States over places where the federal government shall establish forts or other military works. And it is only in these places, or in the territories of the United States, where it can exercise a general jurisdiction."

New Orleans v. United States, 35 US (10 Pet.) 662, 737 (1836)

Municipal, county or state courts lack jurisdiction to hear any case under the definition of FOREIGN STATE. Said jurisdiction lies with the "district court of the United States," Title 28 USC Sec. 610 established by congress the states under Article III of the Constitution, which are "constitutional courts" and has created under Article IV, Section 3, Clause 2, "legislative" courts. **Hornbuckle v. Toombs, 85 US 648, 21, L. Ed. 966 (1873).**

See: Title 28 USC Rule 1101, exclusively under FSIA Statutes pursuant to Title 28 USC Sec. 1330.

There is a separation of powers. Judicial courts cannot enforce statutes. Only legislative courts can enforce statutes.

NOTES/COMMENTS

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TREATIES ARE INTERNATIONAL LAW

1. A treaty is a compact made between two or more independent nations with a view to the public welfare treaties are for perpetuity, or for a considerable time. Those matters, which are accomplished by a single act, and are at once perfected in their execution, are called agreements, conventions and actions.

2. On the part of the United States, treaties are made by the president, by and with the consent of the senate, provided two-thirds of the senators present concur.
Constitution Article II, § 2, Ln. 2.

3. No state shall enter into any treaty, alliance or confederation; **Constitution Article I, §10, Ln. 1**; nor shall any state, without the consent of congress, enter into any agreement or compact with another state, or with a foreign power. **Id. Art.I, see: 10, n. 2; 3 Story on the Const. §1395.**

4. A treaty is declared to be the supreme law of the land, and is therefore obligatory on courts; **1 Cranch, R. 103; 1 Wash. C. C. R. 322 1 Paine, 55**; whenever it operates of itself without the aid of a legislative provision; but when the terms of the stipulation import a contract, and either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department, and the legislature must execute the contract before it can become a rule of the court. **2 Pet. S.C. Rep. 814. Vide Story on the Constitution. Index, h. t.; Serg. Constit. Law, Index, h. t.; 4 Hall's Law Journal, 461; 6 Wheat. 161; 3 Dall. 199; 1 Kent, Comm. 165, 284.**

5. Treaties are divided into personal and real. The personal relate exclusively to the persons of the contracting parties, such as family alliances, and treaties guarantying the throne to a particular sovereign and his family. As they relate to the persons they expire of course on the death of the sovereign or the extinction of his family. Real treaties relate solely to the subject matters of the convention, independently of the persons of the contracting parties, and continue to bind the state, although there may be changes in its constitution, or in the persons of its rulers. **Vattel, Law of Nations b. 2, c.12, 183-197.**" For the language within the definition you can see that a Treaty is the supreme law of the land. The language within the Treaty is sovereign and with sovereign language you acquire Allodial. Now lets look at the language of Allodial (Do you see the paper trail).

NOTES/COMMENTS

JURISDICTION IN LAW

There is a Maxim of Law I like to quote in instances like this. It goes like this: "One has authority over that which One creates." Now, in most instances THE STATE did create SOMETHING. That something is called a FICTION, but it most certainly did not create the Living man, therefore has NO authority to enforce its private policy on the Living man, unless YOU VOLUNTEER to be subject to that authority.

The rules of THE STATE (a corporation) are NOT Law, but are only policy of the corporation, applicable to those over whom the corporation has authority, namely the employees and officers of the corporation, and no others. This is something that few people are aware of, but which all need to be aware of and remember.

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NOTES/COMMENTS

TRESSPASS CASES

Michigan jurisprudence has never recognized immunity on behalf of a city, village, township, county or any administrative division thereof from liability for trespass on private property, whether the trespass be of long or short duration. **Herro v. Chippewa County Road Commissioners**, 368 Mich 263, 272-273 (1962).

The Fourth Amendment authorizes a person in plaintiff's position, as proprietor of a business, other than one pervasively regulated, such as trafficking in alcoholic liquors, **Colonnade Catering Corp v. United States**, 397 US 72; 90 S Ct 774; 25 L Ed 2d 60 (1970), or firearms, **United States v. Biswell**, 406 US 311; 92 S Ct 1593; 32 L Ed 2d 87 (1972), to bar governmental agents, including inspectors carrying out police power functions to protect public health and safety, from his property, **Camara v. Municipal Court of the City and County of San Francisco**, 387 US 523; 87 S Ct 1727; 18 L Ed 2d 930 (1967); See v. **City of Seattle**, 387 US 541; 87 S Ct 1737; 18 L Ed 2d 305 (1978); **Donovan v. Dewey**, 452 US 549; 101 S Ct 2534; 69 L Ed 2d 262 (1981).

Common law and constitutional principles of governmental or sovereign immunity have never permitted government agents to commit trespasses in violation of property rights.

Little v. Barreme, 2 Cranch 6 US 170; 2 L Ed 243 (1804); **Wise v. Withers**, 3 Cranch 7 US 331; 2 L Ed 457 (1806); **Osborn v. Bank of United States**, 9 Wheat 22 US 738; 6 L Ed 204 (1824); **Mitchell v. Harmony**, 13 How 54 US 115; 14 L Ed 75 (1852); **Bates v. Clark**, 95 US 204; 24 L Ed 471 (1877).

Under the Federal Tort Claims Act similarly, federal law enforcement officers who generally enjoy absolute immunity from tort liability may nonetheless be held liable for damages for the tort of trespass. **Black v. Sheraton Corp of America**, 184 US App DC 46, 564 F2d 531, 541 (1977). Accordingly, plaintiff's complaint facially pleads a viable cause of action for trespass as a constitutional tort. **Smith v. Department of Public Health**, 428 Mich 540 (1987).

This Court retains no further jurisdiction.

NOTES/COMMENTS

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OVER 180 YEARS OF UNANIMOUS U.S. SUPREME COURT CASES SPEAKS FOR THEMSELVES

FRIENDS OF MARTIN'S BEACH v. MARTIN'S BEACH LLC, CASE NO. CIV517634
SEPTEMBER 20, 2013. Plaintiffs

attempt to argue it is entitled to access Martins private property based on the application of the public trust doctrine must likewise fail and Martins is entitled to summary judgment on Plaintiff's fourth cause of action as a matter of law. As with Plaintiff's argument under the California Constitution, United States Supreme Court authority defeats Plaintiff's public trust theory. It is undisputed that Martins' predecessor-in-interest had his interest in the Property confirmed without any mention of a public trust easement in federal patent proceedings under the Act of 1851. Therefore, as a matter of law, a public trust easement *cannot* be asserted over Martins' Property under the holding of the U.S. Supreme Court in **Summa Corp. v. California (1984) 466 US 198, 202.**

WRIGHT v. MATTISON 18 HOW (1856)(9-0) - The courts have concurred, it is believed, without an exception, in defining "color of title" to be that which in appearance is title, but which in reality is no title. Yet a claim asserted under the provisions of such a deed is strictly acclaim under color of title, hence, color of title, even under a void and worthless deed, has always been received as evidence that the person in possession claims adversely to all the world. Color of title may be made through conveyances, or bonds, or contracts, or bare possession under parol agreements. We can entertain no doubt in this case that the auditor's deed to the purchaser at the tax sale is color of title in Woodward, in the true intent and meaning of the Statute, and without regard to its intrinsic worth as a title.

STONE v. UNITED STATES 69 US (1865)(10-0) - A patent is the highest evidence of title, and is conclusive as against the government, and all claiming under junior patents or titles, until it is set aside or annulled by some judicial tribunal. The patent is but evidence of a grant, and the officer who issues it acts magisterially and not judicially.

SANFORD v. SANFORD 139 US (1891)(9-0) - In ejectment the question always is who has the legal title for the demanded premises, not who ought to have it. In

such cases the patent of the government issued upon the direction of the land department is unassailable. A Court of equity has jurisdiction in such a case to compel the transfer to the plaintiff of property which, but for such fraud and misrepresentation, would have been awarded to him, and of which he was thereby wrongfully deprived.

CHANDLER v. CALUMET & HECLA 149 US (1893)(7-0) - It is well settled that the state could have impeached the title thus conveyed to the canal company only by a bill in chancery to cancel or annul it, either for fraud on the part of the grantee, or mistake or misconstruction of the law on the part of its officers in issuing the patent. But whether there is any technical estoppel, in the ordinary sense, or not, it cannot be maintained that the state can issue two patents, at different dates to different parties, for the same land, so as to convey by the second patent a title superior to that acquired under the first patent. Neither can the second patentee, under such circumstances, in an action at law, be heard to impeach the prior patent for any fraud committed by the grantee against the state, or any mistake committed by its officers acting within the scope of their authority and having jurisdiction to act and to execute the conveyance sought to be impeached. Neither the state nor its subsequent patentee is in a position to cancel or annul the title which it had authority to make, and which it had previously conveyed to the canal company.

SARGEANT v. HERRICK 221 US 404 (1911)(9-0) - It is apparent that the validity of the tax title depends upon the question whether the location of the warrant in 1857, without more, gave a right to a patent. Among the conditions upon compliance with which such a right depends, none has been deemed more essential than the payment of the purchase price, which, in this instance, could have been made in money or by a warrant like the one actually used.

UNITED STATES v. CREEK NATION 295 US 103 (1935)(9-0) - They were intended from their inception to effect a change of ownership and were consummated by the issue of patents, the most accredited type of conveyance known to our law.

SUMMA CORP v. CALIFORNIA STATE EX REL. LANDS COM'N 466 US (1984)(8-0) - The final decree of the Board, or any patent issued under the Act, was also a conclusive adjudication of the rights of the claimant as against the United States, but not against the interests of third parties with superior titles.

Finally, in **UNITED STATES v. CORONADO BEACH CO. 255 US (1921)** The Court expressly rejected the Government's argument, holding that the patent proceedings were conclusive on this issue, and could not be collaterally attacked by the Government.

The necessary result of the Coronado Beach decision is that even "sovereign" claims such as those raised by the State of California in the present case must, like other claims, be asserted in the patent proceedings or be barred. These decisions control the outcome of this case. We hold that California cannot at this late date assert its public trust easement over petitioner's property, when petitioner's predecessors-in-interest had their interest confirmed without any mention of such an easement in proceedings taken pursuant to the **Act of 1851**.

The interest claimed by California is one of such substantial magnitude that regardless of the fact that the claim is asserted by the State in its sovereign capacity, this interest, like the Indian claims made in **BARKER** and in **UNITED STATES v. TITLE INS. & TRUST CO.**, must have been presented in the patent proceeding or be barred.

NOTES/COMMENTS

HERE IS THE LAW

CONSTRUCTIVE TRUST defined: Trust created by operation of law against one who by actual or constructive fraud, by duress or by abuse of confidence, or by commission of wrong, or by any form of unconscionable conduct, or other

questionable means, has obtained or holds legal right to property which he should not, in equity and good conscience, hold and enjoy. **Davis v. Howard, 19 Or. App. 310, 527 P.2d 422, 424.** A constructive trust is a relationship with respect to property subjecting the person by whom the title to the property is held to an equitable duty to convey it to another on the ground that his acquisition or retention of the property is wrongful and that he would be unjustly enriched if he were permitted to retain the property. **Restatement, Second, Trusts § 100. Black's Law Dictionary Sixth Edition (page 314, 315)**

FORECLOSURE: "The law always gives a remedy"

Constructive Force

Constructive Fraud

Secretary of State - The person in charge of the office "responsible" for receiving legal papers and documents that "are required to be publicly filed." "Real Property" (homes) in the 50 Union states are in "Trust" by "Trustee" the Secretary of State (Fiduciary Capacity) in respect to the trust and confidence involved in it and the scrupulous good faith and candor, which it requires. A person having duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking.

FILING OFFICER defined: The person in charge of the office responsible for receiving legal papers and documents that are required to be publicly filed (e.g., office or department of Secretary of State in which a financing statement must be filed to perfect a security interest under the **Uniform Commercial Code. U.C.C. § 9-401. Black's Law Dictionary Sixth Edition (page 628)** The Secretary of State of each of the 50 Union states is the "Archivist" of legal titles of the "People" the "Beneficiaries" of said **Cestui Que Trust/Estate.**

LEGAL defined:

1. That which is according to law. It is used in opposition to equitable, as the legal estate is, in the trustee, the equitable estate in the Cestui Que Trust. **Vide Powell on Mortgage, Index, h.t.**

2. The party who has the legal title has alone the right to seek a remedy for a wrong to his estate, in a court of law, though he may have no beneficial interest in it. The equitable owner is he who has not the legal estate, but is entitled to the beneficial interest.

3. The person who holds the legal estate for the benefit of another is called a trustee; he, who has the beneficiary interest and does not hold the legal title, is called the beneficiary, or more technically, the Cestui Que Trust.

4. When the trustee has a claim, he must enforce his right in a court of equity, for he cannot sue anyone at law, in his own name; 1 East, 497; 8 T. R. 332; 1 Saund. 158, n. 1; 2 Bing. 20; still less can he in such court sue his own trustee. 1 East, 497. **A Law Dictionary Adapted To The Constitution and Laws of the United States of America and of the Several States of the American Union by John Bouvier Revised Sixth Edition, 1856**

BREACH OF DUTY defined:

In a general sense, any violation or omission of a legal or moral duty; more particularly, the neglect or failure to fulfill in a just and proper manner the duties of an office or fiduciary employment.

Every violation by a trustee of a duty which equity lays upon him, whether willful and fraudulent, or done through negligence or arising through mere oversight or forgetfulness, is a breach of duty. See: Non-support. **Black's Law Dictionary Sixth Edition (page 189)**

BREACH OF TRUST WITH FRAUDULENT INTENT defined: Larceny after trust. *State v. Owings*, 205 S.C. 314, 31 S.E.2d 906, 907. **Black's Law Dictionary Sixth Edition (page 189)**

NOTES/COMMENTS

TRUTHFUL FACTS PEOPLE SHOULD KNOW, BUT MOST DO NOT

1. The **IRS** is *not* a US government agency. It is an agency of the IMF
(International Monetary Fund) (**Diversified Metal Products v. I.R.S et al. CV-93-**

405f-EJE U.S.D.C.D.I., Public Law 94-564, Senate report 94-1148 pg. 5967, Reorganization Plan No. 26, Public Law 102-391)

2. The IMF (International Monetary Fund) is an agency of the U.N. (Black's Law Dictionary 6th Ed. page 816)

3. The United States has NOT had a Treasury since 1921 (41 Stat. Ch 214 page 654)

4. The U.S. Treasury is now the IMF (International Monetary Fund) (Presidential Documents Volume 24-No. 4 page 113, 22 U.S.C. 285-2887)

5. The United States does not have any employees because there is no longer a United States! No more reorganization, after over 200 years of bankruptcy it is finally over. (Executive Order 12803)

6. The FCC, CIA, FBI, NASA and all of the other alphabet gangs were never part of the U.S. government, even though the "U.S. Government" held stock in the agencies. (US v. Strang, 254 US 491; Lewis v. US, 680 F.2nd, 1239)

7. Social Security Numbers are issued by the U.N. through the IMF (International Monetary Fund). The application for a Social Security Number is the SS5 Form. The Department of the Treasury (IMF) issues the SS5 forms and not the Social Security Administration. The new SS5 forms do not state who publishes them while the old form states they are "Department of the Treasury". (20 CFR (Council on Foreign Relations) Chap. 111 Subpart B. 422.103 (b))

8. There are NO Judicial Courts in America and have not been since 1789. Judges do not enforce Statutes and Codes. Executive Administrators enforce Statutes and Codes. (FRC v. GE 281 US 464; Keller v. PE 261 US 428, 1 Stat 138-178)

9. There have NOT been any judges in America since 1789. There have just been administrators. (FRC v. GE 281 US 464; Keller v. PE 261 US 428 1 Stat. 138-178)

10. According to GATT (The General Agreement on Tariffs and Trade) you MUST have a Social Security number. (House Report (1 03-826)

11. New York City is defined in Federal Regulations as the United Nations. Rudolph Guiliani stated on C-Span that "New York City is the capital of the World." For once, he told the truth. (20 CFR (Council on Foreign Relations) Chap. 111, subpart B 44.103 (b) (2) (2))

12. Social Security is not insurance or a contract, nor is there a Trust Fund. (Helferich v. Davis 301 US 619; Steward Co. v. Davis, 301 US 548)

13. Your Social Security check comes directly from the IMF (International Monetary Fund), which is an agency of the United Nations. (It says "U.S. Department of Treasury" at the top left corner, which again is part of the U.N. as pointed out above)

14. You own NO property!!! Slaves can't own property. Read carefully the Deed to the property you think is yours. You are listed as a TENANT. (Senate Document 43, 73rd Congress 1st Session)

15. The most powerful court in America is NOT the United States Supreme court, but rather the Supreme Court of Pennsylvania. (42 PA. C.S.A. 502)

16. The King of England financially backed both sides of the American Revolutionary War. (Treaty of Versailles-July 16, 1782 Treaty of Peace 8 Stat 80)

17. You CANNOT use the U.S. Constitution to defend yourself because you are NOT a party to it! The U.S. Constitution applies to the CORPORATION OF THE UNITED STATES, a privately owned and operated corporation (headquartered out of Washington, DC) much like (International Business Machines, Microsoft, et al) and NOT to the people of the sovereign Republic of the United States of America. (Padelford Fay & Co. v. The Mayor and Alderman of the City of Savannah 14 Georgia 438, 520)

18. America is a British Colony. The United States is a corporation, not a land mass and it existed before the Revolutionary War and the British Troops did not leave until 1796 (Republica v. Sweers 1 Dallas 43; Treaty of Commerce 8 Stat 116; Treaty of Peace 8 Stat 80; IRS Publication 6209; Articles of Association October 20, 1774)

19. The Vatican owns Britain. (Treaty of 1213)

20. The Pope can abolish any law in the United States (Elements of Ecclesiastical Law Vol. 1, 53-54)

21. A 1040 Form is for tribute aid to Britain (IRS Publication 6209)

22. The Pope claims to own the entire planet through the laws of conquest and discovery. (Papal Bulls of 1495 & 1493)

23. The Pope has ordered the genocide and enslavement of millions of people. (Papal Bulls of 1455 & 1493)

24. The Pope's laws are obligatory on everyone. (Bened. XIV; De Syn. Dioec, lib, ix, c. vii, n. 4. Prati; 1844 Syllabus Prop 28, 29, 44)

25. We are slaves and own absolutely nothing, NOT even what we think are our children. (Tillman v. Roberts 108 So. 62; Van Koten v. Van Koten 154 N.E. 146; Senate Document 438 73rd Congress 1st Session; Wynehammer v. People 13 N.Y. REP 378, 481)

26. Military, George Washington divided up the States (Estates) in to Districts (Messages and papers of the Presidents Volume 1 page 99 1828 Dictionary of Estate)

27. "The People" does NOT include you and me. (Barron v. Mayor and City Council of Baltimore 32 US 243)

28. It is NOT the duty of the police to protect you. Their job is to protect THE CORPORATION and arrest code breakers. (SAPP v. Tallahassee, 348 So. 2nd. 363; Reiff v. City of Phila. 477 F. 1262; Lynch v. NC Dept. of Justice 376 S.E. 2nd. 247)

29. Everything in the "United States" is up for sale: bridges, roads, water, schools, hospitals, prisons, airports, etc, etc ... Did anybody take time to check who bought Klamath Lake?? (Executive Order 12803)

30. "We are treated as human capital" (Executive Order 13037) the world cabal makes money off of the use of your signatures on mortgages, Car loans, credit cards, your social security number, etc.

31. The U.N.-United Nations- has financed the operations of the United States government (the corporation of THE UNITED STATES OF AMERICA) for over 140 years (U.S. Department of Treasury is part of the U.N. see above) and now owns every man, woman and child in America. The U.N. claims to hold all of the land of America in Fee Simple.

The good news is we don't have to fulfill "our" fictitious obligations. You can discharge a fictitious obligation with another's fictitious obligation.

32. "Whoever...discloses, uses, or compels the disclosure of the social security number in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under Title 18 or imprisoned for not more than five years, or both."

Title 42 U.S. Code section 408(a)(8)

33. DISCLOSURE OF SOCIAL SECURITY NUMBER:

"It shall be unlawful for any Federal, State, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number."

Title 5 U.S. CODE section 552(a)

NOTES/COMMENTS

CHALLENGE JURISDICTION

Challenging jurisdiction is one of the best defenses you can make, because if you use the right argument it is almost impossible for you to loose!

If they attempt to tell you that you can't question their jurisdiction you can easily shut them up with these court rulings!

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." Melo

v. US 505 F2d 1026.

The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." **Hagans v. Lavine. 415 US 533.**

Read: **US v. Lopez** and **Hagans v. Levine** both void because of lack of jurisdiction. In **Lopez** the circuit court called it right, and in **Hagans** it had to go to the Supreme court before it was called right, in both cases, void. Challenge jurisdiction and motion to dismiss, right off the bat. If you read the supreme Court cases you will find that jurisdiction can be challenged at any time and in the case of **Lopez** it was a jury trial which was declared void for want of jurisdiction. If it jurisdiction doesn't exist, it cannot justify conviction or judgment. ...without, which power (jurisdiction) the state CANNOT be said to be "sovereign." At best, to proceed would be in "excess" of jurisdiction which is as well fatal to the State's/USA's cause. **Broom v. Douglas. 75 Ala 268, 57 So 860** the same being jurisdictional facts FATAL to the government's cause (e.g. see **In re FNB, 152 F 64**).

A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] **Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 1992**; rev. denied **252 Kan. 1093 (1993)**.

A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court." **OLD WAYNE MDT. L. ASSOC. v. McDONOUGH, 204 US 8, 27 S. Ct. 236 (1907).**

"There is no discretion to ignore lack of jurisdiction." **Joyce v. US 474 2D 215.**

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." **Latana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 FSupp. 150**

"The law provides that once State and Federal Jurisdiction has

been challenged, it must be proven."
Thiboutot, 100 S. Ct. 2502 (1980)

Main v.

"Jurisdiction can be challenged at anytime." and "Jurisdiction, once challenged, cannot be assumed and must be decided." **Basso v. Utah Power & Light Co. 495 F 2d 906, 910.**

"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal."
Hill Top Developers v. Holiday Pines Service Com. 478 So. 2d. 368 (Fla 2nd DCA 1985)

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist."
Stuck v. Medical Examiners 94 Ca 2d 751. 211 P2d 389.

"There is no discretion to ignore that lack of jurisdiction." **Joyce v. US, 474 F2d 215.**

"The burden shifts to the court to prove jurisdiction." **Rosemond v. Lambert, 469 F2d 416.**

"A universal principle as old as the law is that proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property."
Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio."
In Re- Application of Wyatt, 300 P. 132; Re: Cavitt. 118 P2d 846.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term."
Dillon v. Dillon. 187 P 27.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance."
Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409.

"A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." **Wuest v. Wuest. 127 P2d 934, 937.**

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." **Merritt v. Hunter. C.A. Kansas 170 F2d 739.**

"[T]he fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." **Monroe v. Papa. DC. Ill. 1963, 221 F Supp 685.**

Any and all courts jurisdiction must include subject matter and personal jurisdiction in order for jurisdiction to be valid!

NOTES/COMMENTS

VEHICLE/TRAFFIC

"An action by Department of Motor Vehicles, whether directly or through a court sitting administratively as the hearing officer, must be clearly defined in the statute before it has subject matter jurisdiction, without such jurisdiction of the licensee, all acts of the agency, by its employees, agents, hearing officers, are null and void." **Doolan v. Carr, 125 US 618; City v. Pearson, 181 Cal. 640.**

"Agency, or party sitting for the agency, (which would be the magistrate of a municipal court) has no authority to enforce as to any licensee unless he is acting for compensation. Such an act is highly penal in nature, and should not be construed to include anything, which is not embraced within its terms. (Where) there is no charge within a complaint that the accused was employed for

compensation to do the act complained of, or that the act constituted part of a contract."

Schomig v. Kaiser, 189 Cal 596.

"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerial".

Thompson v. Smith, 154 SE 583.

"A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rationale."

ASIS v. US, 568 F2d 284.

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities."

Burns v. Sup., Ct., SF, 140 Cal.1.

The elementary doctrine that the constitutionality of a legislative act is open to attack only by persons whose rights are affected thereby, applies to statute relating to administrative agencies, the validity of which may not be called into question in the absence of a showing of substantial harm, actual or impending, to a legally protected interest directly resulting from the enforcement of the statute."

Board of Trade v. Olson, 262 US 1; 29 ALR 2d 105; HAZELATLAS GLASS CO. v. HARTFORD EMPIRE CO., 322 US 238 (1944)

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NOTES/COMMENTS

NO COUNTY, CITY NOR MUNICIPALITIES HAVE JURISDICTION OVER PRIVATE PROPERTY!

NOTICE AND CASES >> awarded \$8 million for CODE ENFORCEMENTS OF ILLEGAL TRESPASS!

This Notice is to all Employees working for a PRIVATE CORPORATION.
"Notice" these Landmark Supreme Court Rulings also inform us that all Private Corporations Codes, statutes, rules, ordinances & regulations DO NOT APPLY TO ANYONE, PERIOD, not just if one has a business.

See:

Monterey v. Del Monte Dunes, 526 US 687 (1999) – Plaintiff awarded \$8 million for Code Enforcement's Illegal Trespass and restriction of his business; and another \$1.45 million for aggregation of forced sale.

And;

Palazzolo v. Rhode Island, 533 US 606, 121 S. Ct. (2001) – The U. S. Supreme Court ruled that Municipalities cannot exert any acts of ownership or control over property that is not owned by them.

And affirming both cases:

Lucas v. South Carolina Coastal Council, 505 U. S. 1003, 120 L. Ed. 2d 798 (1992)

Be sure to do your own research.

SETTLED LAW CASES

(LAND PATENTS RELATED)

The following court cases illustrate some of the known benefits that have materialized by using law against the perhaps otherwise unscrupulous, and of course with favorable letter patent and current valid property assignments in hand. There are many more such winning cases.

ALLODIAL TITLE/ LAND PATENT CASES

HUGHES v. WASHINGTON, 389 U.S. 290 (1967)

SUMMA CORP. v. CALIFORNIA EX REL. LANDS COMM'N, 466 U.S. 198 (1984)

MATTHEWS v., 10 GILL & J (MD) 443

WALLACE v. ARMSTEAD, 44 PA. 492

WENDELL v. CRANDALL, 1 N.Y. 491

STANTON v. SULLIVAN 7A. 696

McCARTEE v. ORPHUM'S ASYLUM. 9 COW N.Y. 437, 18 AM. DEC. 516

PEOPLE v. RICHARDSON, 269 M. 275, 109 N.E. 1033

SANFORD v. SANFORD 139 US 642 -

FENN v. HOLME, 21 HOWARD 481

LOMAX v. PICKERING, 173 US 26

GIBSON v. CHOUTEAU, 80 US 92

WILCOX v. JACKSON 13 PETER (US) 498

UNITED STATES v. STONE, 2 US 525

MINTER v. CROMMELIN, 18 US 87

JOHNSON v. CHRISTIAN 128 US 374

DOE v. AIKEN 31 FED. 393

SARGEANT v. HERRICK & STEVENS 221 US 404

NORTHERN R.R. CO. v. TRAIL COUNTY, 115 US 600
HUGHES v. WASHINGTON, 389 U.S. 290 (1967)
SUMMA CORP. v. CALIFORNIA EX REL. LANDS COMM'N, 466 U.S. 198 (1984)
BEADLE v. SMYSER, 209 US 393
BAGNELL v. BRODERICK, 13 PETER (US) 436
STEEL v. ST. LOUIS SMELTING & REFINING CO. 106 US 417
HOGAN v. PACE 69 US 605
LANGDON v. SHERWOOD 124 US 74
CARTER v. RUDDY 166 US 493
RUDDY v. ROSSI 248 US 104
GOLDING v. SCHUBAC 93 US 32
SAVILLE v. CORLESS 46 US. 495
ECHART v. COMMISSIONERS, C.C.A. 42 F2d 158; 283 US 140
CLEVELAND v. SMITH 132 US 318
PEOPLE v. HINES, 89 P. 858,5 CAL. APP. 122
MITCHELL v. CITY OF ROCKLAND, 45 ME. 496
STATE TREASURER v. WRIGHT 28 ILL 509
WHITAKER v. HALEY 2 ORE. 128
TOWN OF FRANKFORT v. WALDO 128 ME. 1
McCARTHY v. GREENLAWN CEM. 158 ME. 388
CASSIDY v. AROOSTOCK 134 ME. 34
BARKER v. BLAKE, 36 ME. 1
MARSHALL v. LADD 7 WALL 74 US 106
UNITED STATES v. CREEK NATION 295 US 103

UNITED STATES v. CHEROKEE NATION 474 F 2d 628

MARSH v. BROOKS 49 U. S. 223

HOOPER v. SCHEIMER 64 U.S. 23 HOW 235

GREEN v. BARBER 66 N.W. 1032

WALTON v. UNITED STATES 415 F 2d 121,123 (10th CIR.)

UNITED STATES v. BEAMON 242 F. 876

FILE v. ALASKA 593 P. 2d 268

LEADING FIGHTER v. COUNTY OF GREGORY, 230 N.W. 2d 114, 116

CHISHOLM v. GEORGIA, 2 DALL (U.S.) 419

WILCOX v. CALLOWAY [I WASH. (VA.) 38-41]

STATE v. CRAWFORD 441 P. 2d 586590

YOUNG v. MILLER 125 SO. 2d 257,258

BEAVER v. UNITED STATES, 350 F 2d 4 cert. denied 387 U.S. 937

STOLL v. GOTTBREHT 176 N.W. 932,45 N.D. 158.

REICHERT v. JEROME H. SHEIP. INC 131 SO. 229, 22E ALA 133

SUMMA CORPORATION v. CALIFORNIA ex. rel. STATE LANDS COMMISSION, 80 L.ED
2d 237

OLIPHANT v. FRAZHO 146 N.W. 2d 685

UNITED STATES v. SPRAGUE 282 U. S. 716

UNITED STATES v. REYNES, 9 HOW (U.S.) 127

WISCONSIN v. C.R. CO. 124 U.S. 74, 81

PUTNUM v. ICKES, 78 F.2d 233, CERT. DENIED 296 U.S. 612

KALE v. UNITED STATES 489 F2d 449,454

HOOFNAGLE v. ANDERSON, 20 U. S. (7 WHEAT) 212

THOMAS v. UNION PACIFIC RAILROAD CO. 139 F.SUPP. 588596

STATE v. CRAWFORD 441 P.2d 586590 (ARIZ.APP)
WINEMAN v. GASTREL 54 FED, 819,4 CCA 596,1 US APP 581
CAGE v. DANKS, 13 LA ANN 128
U.S. v. STEENERSON, 50 FED 504,1 CCA 552,4 U.S. APP 332
JENKINS v. GIBSON, 3 LA ANN 203
LITCHFIELD v. THE REGISTER, 9 WALL US 575,19 LED 681
UNITED STATES v. DEBEL, 227 F 760 (C8 sd, 1915)
STANEK v. WHITE, 172 MINN. 390,215 N.W.R. 781,784
WARE v. HYLTON, 3 DALL 3 US 199
LOMAS v. PICKERING, 173 US 26 43 L. ED. 601

COLOR OF TITLE CASES

DINGEY v. PAXTON, 50 MISS 1038
EHLE v. QUACKENBOSS, 6 HILL NY 537
OAKLEY v. COOK, 41 N.J. EQ. 350A.2d 496
DONOVAN v. PITCHER, 53 ALA 411
BIRGE v. BOCK, 44 MO APP 69
CONVERSE v. KELLOGG, 7 BARB N.Y. 590
BLOCH v. RYAN, 4 AOO CAS, 283
RYNOLDS v. BOREL, 86 CAL. 538
MOORE v. WILLIAMS, 115 N.Y. 586,22N.E. 253
ROBERTS v. BASSETT, 105 MASS 409
WRIGHT v. MATTISON, 18 HOW. (U.S.) 50
JOPLIN BREWING CO. v. PAYNE, 197 NO.422 94 S.W. 896

ST. LOUIS v. GORMAN, 29 MO 593

RAWSON v. FOX, 65 ILL 200

DAVID v. HALL, 92 R.I. 85

MORRISON v. NORMAN, 47 ILL 477

McCONNELL v. STREET, 17 ILL 253

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SAFFORD v. STUBBS, 117 ILL. 389

HOOWAY v. CLARK, 27 ILL. 483

McCELLAN v. KELLOGG 17 ILL 498

GRANT v. BENNETT, 96 ILL. 513

MORGAN v. CLAYTON, 61 ILL 35

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BUTTERFIELD v. SMITH, ILL. 111

KENDRICK v. LA TRAM, 25 FLA. 819

Huls v. Buntin, 47 ILL. 396 (1868).

WALKER v. CONVERSE, 148 ILL. 622

PEADRO v. CARRIKER, 168 ILL 570

CHICAGO v. MIDDLEBROOKE, 143 ILL 265

PLATT COUNTY v. GOODEN, 97 ILL 84

STUBBLEFIELD v. BORDERS, 89 ILL 570

THOMAS v. ECKARD, 88 ILL 593.

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BRADLEY v. REES, 113 ILL 327

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SMITH v. FERGUSON, 91 ILL 304

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BROOKS v. BRUYN, 35 ILL. 507

McCLAGG v. HEACOCK, 34 ILL. 476

BRIDE v. WATT, 23 ILL 507

WOODWARD v. BLANCHARD, 16 ILL 424.

You may contact Ron Gibson to testify
as an expert witness, or to lecture or conduct
seminars, on these topics:

1. Mining Law
2. Water Rights Law
3. Land Patent Law
4. Right of Way Law

Ron Gibson contact information:
landpatents@outlook.com

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GLOSSARY

ADHESION CONTRACT — A distinctive feature of adhesion contract is that the weaker party has no realistic choice as to its terms. *

ALIENABLE — Proper to be the subject of alienation or transfer. *

ALLodium — Land held absolutely in one's own right, and not of any lord or superior; land not subject to any feudal duties or burdens. *

ALLodial — Free; not holden of any lord or superior; owned without obligation of vassalage or fealty; the opposite of feudal. *

APPURTANANCES — ... An article adapted to the use of the property to which it is connected, and which is intended to be a permanent accession to the freehold. *

ASSIGNS — Assignees; those to whom property is, will, or may be assigned. *

BLM — Federal Land Office; Bureau of Land management.

BONA FIDE — In or with good faith; honestly, openly, and sincerely; without deceit or fraud. *

CAVEAT EMPTOR — Buyer beware.

COLLATERAL ATTACK — With respect to a judicial proceeding, an attempt to avoid, defeat, or evade it, or deny its force and effect, in some incidental proceeding not provided by law for the express purpose of attacking it. *

COLOR OF LAW — The appearance or semblance, without the substance, of legal right. *

COLOR OF TITLE — That which is a semblance or appearance of title, but is not title in fact or law. *

COMMON LAW — As distinguished from statutory law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from uses and customs of immemorial antiquity... *

CORPORATE — Belonging to a corporation; as a corporate name. *

CORPORATION — An artificial person or legal entity... *

DEED — A conveyance of realty; a writing signed by grantor, whereby title to realty is transferred from one to another. *

EJECTMENT — At common law, this was the name of a mixed action ... which lay for the recovery of the possession of land, and damages for the unlawful detention of its possession. *

EMINENT DOMAIN — The power to take private property for public use by the state, municipality, and private persons or corporations authorized to exercise functions of public character. *

EQUITABLE OWNERSHIP — Ownership rights which are protected in equity. *

EQUITABLE TITLE — See Equitable ownership;

EQUITY — Justice administered according to fairness as contrasted with the strictly formulated rules of common law. *

ESTOPPEL — Term means that a party is prevented by his own acts from claiming a right to detriment of other party who was entitled to rely on such conduct and has acted accordingly. *

EVIDENCE OF TITLE — A deed or other document establishing title to property, especially real estate. *

FOREVER — For eternity, for always, endlessly. **

FREEHOLD — An estate for life or in fee. A “freehold estate” is a right of title to land. *

HEREDITAMENTS — Things, which may be directly inherited, as contrasted with things, which go to the personal representative of a deceased.

HYPOTHECATE — To pledge (property) to another as security without transferring possession or title; mortgage. **

IMMUNITIES — Freedom or exemption from penalty, burden or duty. **

INALIENABLE — Not subject to alienation. *

LACHES — “Doctrine of laches” is based on maxim that equity aids the vigilant and not those who slumber on their rights. *

LAND PATENT — An instrument conveying a grant of public land; also, the land so conveyed. *

LAW — [S]omething laid down or settled... **

LAWFUL — In conformity with the principles of law. **

LAWFUL MONEY — As provided in the Constitution for the United States of America Art I, section 8, clause 5: Coin.

LEGAL — Of, based upon, or authorized by law. **

LETTERS OF PATENT — Issued by Congress per Article IV, section 3, clause 2; to dispose of property (unappropriated lands) belonging to the United

States; and then signed into Law by the president as Patent to the Patentee, his heirs and assigns forever. ****

MEMORANDUM OF LAW — A brief written statement outlining the terms of an agreement or transaction. *

MORTGAGE — The pledging of property to a creditor as security of payment of a debt. **

NUNC PRO TUNC — Now for then. *

PATENTEE — A person who has been granted a patent. **

PERPETUITY — The state or quality of being perpetual. **

PRIVILEGE — A particular and peculiar or advantage enjoyed by a person, company or class, beyond the common advantages of other citizens. *

QUIT CLAIM — In conveyancing, to release or relinquish a claim, to execute a deed of quitclaim. *

REAL ESTATE — Land and anything attached to permanently affixed to the land, such as buildings, fences, and anything attached to the buildings, such as light fixtures, plumbing and heating fixtures, or other such items which would be personal property if not attached. *

RES JUDICATA — A matter adjudged; a thing judicially acted upon or matter settled by judgment. *

RIGHTS — A power, privilege, or immunity guaranteed under a constitution... *

SOVEREIGN — A person, body, or state in which independent and supreme authority is vested; *

SOVEREIGNTY — The supreme, absolute, and uncontrollable power by which an independent state is governed; supreme political authority. *

STARE DECISIS — To abide by, or adhere to, decided cases.
*

TITLE — The formal right of ownership of property. Title is the means whereby the owner of lands has the just possession of his property. *

TREATY LAW — [A]nd all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;***

WARRANTY DEED — Deed in which grantor warrants a good, clear title.
*

WILD DEED — A deed not in the chain of title. *

*Blacks Law Dictionary, 6th edition;

** Webster's New World Dictionary;

*** Constitution for the United States of America: Article VI, clause 2;

**** Constitution for the United States of America: Article IV, section 3, clause 2;

AUTOBIOGRAPHY

**Ron Gibson
Medford, Oregon [97537]**

To whom it may concern:

I, Ron Gibson, for the past forty-five (45) + years, have been in the construction and mining business.

I am an Engineer by training, my secondary studies was Constitutional Law. I worked for nineteen (19) years as a Mining and Mineral Consultant; I am also a mineral producer by profession.

I have been involved in both precious metals and Industrial Minerals development in all phases.

My back ground also includes project evaluation, feasibility study, geology, drilling and testing, sampling, plant layout and design, running the day to day operation, marketing, environmental studies, estimating, and many other phases of a mining operation including drilling and blasting.

As a managing consultant for large investment groups, I learned very early the Five P's Principle: Proper Planning Prevents Poor Performance!

I have directed large work crews in many different types of mining and mineral projects and pride my self in doing my job well.

My background in Law includes a Counselor at Law; I am in the process of obtaining my Private Attorney General authority from the Senate Judiciary. I have been in the study of Constitutional Law, Contract Law, Water Right Law, Right of Way Law, and my specialties are Mining Law and Land Patent Law. On a number of occasions, I have testified as an expert witness, regarding Land Patent law cases, Water Right, Mining, Right of Way and other land issue cases.

Currently, I teach Mining Law and Land Patent Law at our local collage and at The Southwest Oregon Mining Association. I am the interim chairman of the Jefferson Mining District, which is the largest mining district in the United Sates.

In addition, I am a marriage councilor for the past 30 years.

Viet Nam Veteran, USMC

Thank you.

**Sincerely,
Ron Gibson**